

### **REMARKS**

Claims 1, 3-32 are pending in this application.

Claims 1, 3-11, and 13-32 were rejected.

Claims 12, 15, and 24 were objected to.

Claims 15 and 24 are amended in this Response.

#### **Claim Objections**

The Examiner objected to claim 15 and 24 as having typographical error. In response, Applicant has submitted the portions of these claims that the Examiner objected to in marked-up form again. To make clearer additions and deletions semicolons that were inserted are presented in bold but not underlined, so that they will not be confused with colons. Deleted commas and a deleted "a" have been enclosed in bold brackets. Applicant believes that the claim mark-up is now legible and requests that the Examiner withdraw his objections.

#### **Section 102 Rejections**

In the following, the Examiner's comments are included in bold, indented type, followed by the Applicants' remarks:

**Claims 1, 3 11, 13 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Little et al. (U.S. Patent 6,123,017).**

**Regarding claim 1:**

**Little discloses a material management system including: one or more waste containers adapted to receive and compact waste (abstract); a fullness measuring subsystem for determining the fullness of one or more waste containers (fig. 1, unit 24, fig. 15); a computerized scheduling subsystem in communication with the fullness measuring subsystem for automatically determining an optimal time to empty each waste container (fig. 1, unit 24), based the fullnesses of the waste container (fig. 15) and scheduling factors (Col. 2 3, Lines 40 9) including customer preferences (Col. 1 2, Lines 40 9) and waste hauler limitations (fig. 15).**

Applicant respectfully disagrees. Claim 1 requires “automatically determining an optimal time to empty each waste container, based on the fullnesses of the waste container and **scheduling factors including customer preferences and waste hauler limitations.**” The portion of Little cited to show this limitation does not disclose the limitation. The most relevant portion of the passage cited by the Examiner discusses that “[a]t other facilities, the hauler removes the filled container on a ‘will call’ basis [where] the facility operators usually prompt the hauler in order to have the filled containers removed.” Little, 1:45-48. This portion of Little teaches away from the claimed “**automatically** determining an optimal time to empty the waste container,” because “the facility operators usually prompt the hauler . . . to have the filled containers removed.” Little, 1:46-48. Furthermore, there is no discussion in Little to indicate that the “will-call” is based on any customer preference as that term is used in the patent. Therefore, Little does not disclose “automatically determining an optimal time to empty each waste container, based on . . . customer preferences,” as required by claim 1.

Claim 1 also requires “a computerized scheduling subsystem in communication with the fullness-measuring subsystem for **automatically determining an optimal time** to empty each waste container, **based on . . . waste hauler limitations.**” The portion of Little cited to show this element is Fig 15 of Little. The portion of the specification describing this figure discusses “[a]fter the container 20 has been at facility for an extended period of time, uses per period data, depicted in FIG. 15 can be developed. This data represents how often, over definable primary periods of time, the compactor 22 is used during each of a number of secondary period of time.” Little 11:13-17. The quoted text, and the associated figure do not discuss any waste hauler limitations. Therefore, Little does not disclose “automatically determining an optimal time to empty each waste container, based on . . . waste hauler limitations,” as required by claim 1.

Applicant requests that the Examiner withdraw his objection to Claim 1 and pass the claim to issue.

**Regarding claim 15:**

Little discloses a computerized method for scheduling a pick up time to remove of one or more waste containers, including, for each waste container (abstract), automatically determining a fullness of the waste container (fig. 15); automatically determining when a waste container will a target level of fullness, based on the current fullness and predicted future usage (fig. 15); automatically determining an optimal time to remove the waste container (Col. 1 2, Lines 40 9), based on when the waste container will reach the target level of fullness (fig. 15), customer preferences (Col. 1 2, Lines 40 9), and waste hauler limitations (fig. 15); and automatically scheduling the removal of the waste container for the optimal time (Col. 1 2, Lines 40 9, Col. 2 3, Lines 40 9).

Applicant respectfully disagrees. Claim 15 requires “automatically determining an optimal time to empty each waste container, based on the fullnesses of the waste container and scheduling factors including customer preferences and waste hauler limitations.” The portion of Little cited to show this limitation does not disclose the limitation. The most relevant portion of the passage cited by the Examiner discusses that “[a]t other facilities, the hauler removes the filled container on a ‘will call’ basis [where] the facility operators usually prompt the hauler in order to have the filled containers removed.” Little, 1:45-48. This portion of Little teaches away from the claimed “automatically determining an optimal time to empty the waste container,” because “the facility operators usually prompt the hauler . . . to have the filled containers removed.” Little, 1:46-48. Furthermore, there is no discussion in Little to indicate that the “will-call” is based on any customer preference as that term is used in the patent. Therefore, Little does not disclose “automatically determining an optimal time to empty each waste container, based on . . . customer preferences,” as required by claim 1.

Claim 15 also requires “automatically determining an optimal time to empty each waste container, based on . . . waste hauler limitations.” The portion of Little cited to show

this element is Fig 15 of Little. The portion of the specification describing this figure discusses “[a]fter the container 20 has been at facility for an extended period of time, uses per period data, depicted in FIG. 15 can be developed. This data represents how often, over definable primary periods of time, the compactor 22 is used during each of a number of secondary period of time.” Little 11:13-17. The quoted text, and the associated figure do not discuss any waste hauler limitations. Therefore, Little does not disclose “automatically determining an optimal time to empty each waste container, based on . . . waste hauler limitations,” as required by claim 1.

Applicant requests that the Examiner withdraw his objection to Claim 15 and pass the claim to issue.

**Regarding claim 24:**

**Little discloses a computer program, stored on a tangible storage medium, for use in scheduling a pick up time to remove one or more waste containers, the computer program including executable indications that cause a computer to (fig. 1, unit 24, Col. 3 4, Lines 10 3), for each waste container (fig. 15); determine a fullness of the waste container; determine when the waste container will reach a target level of fullness (fig. 15), based on the current fullness and predicted future usage (Col. 3 4, Lines 10 3, fig. 15); determine an optimal time to remove the waste container (Col. 1 2, Lines 40 9), based on when the waste container will reach the target level of fullness (fig. 15), customer preferences (Col. 1 2, Lines 40 9), and waste hauler limitations (fig. 15); and schedule the removal of the waste container for the optimal time (Col. 1 2, Lines 40 9, Col. 2 3, Lines 40 9)**

Applicant respectfully disagrees. Claim 24 requires that the computer “automatically determine an optimal time to empty each waste container, based on the fullnesses of the waste container and scheduling factors including customer preferences and waste hauler limitations.” The portion of Little cited to show this limitation does not disclose the limitation. The most relevant portion of the passage cited by the Examiner discusses that “[a]t other facilities, the hauler removes the filled container on a ‘will call’ basis [where] the facility operators usually prompt the hauler in order to have the filled containers removed.” Little, 1:45-

48. This portion of Little teaches away from the claimed “**automatically** determin[ing] an optimal time to empty the waste container,” because “the facility operators usually prompt the hauler . . . to have the filled containers removed.” Little, 1:46-48. Furthermore, there is no discussion in Little to indicate that the “will-call” is the basis of any customer preference as that term is used in the patent. Therefore, Little does not disclose “automatically determining an optimal time to empty each waste container, based on . . . customer preferences,” as required by Claim 24.

Claim 24 also requires “**automatically determining an optimal time** to empty each waste container, **based on . . . waste hauler limitations**.” The portion of Little cited to show this element is Fig 15 of Little. The portion of the specification describing this figure discusses “[a]fter the container 20 has been at facility for an extended period of time, uses per period data, depicted in FIG. 15 can be developed. This data represents how often, over definable primary periods of time, the compactor 22 is used during each of a number of secondary period of time.” Little 11:13-17. The quoted text, and the associated figure do not discuss any waste hauler limitations. Therefore, Little does not disclose “automatically determining an optimal time to empty each waste container, based on . . . waste hauler limitations,” as required by Claim 24.

Applicant requests that the Examiner withdraw his objection to Claim 24 and pass the claim to issue.

Each of the remaining claims depend from claim 1, 15, or 24, and are patentable for at least the reasons present above. Furthermore, dependant claims introduce additional limitations. For example, with respect to claim 5, the Examiner states that “Little discloses a number of drivers available at a specified time (fig 3, unit 89).” Office Action, page 5. The portion of the specification discussing this figure says, “[i]n table 89, the pressure data for the individual

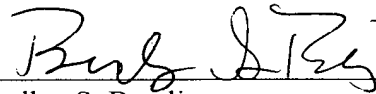
compactor actuations is represented as  $USE\_PRS_1, USE\_PRS_2, \dots USE\_PRS_N$ , respectively.”

There is no discussion of any drivers here.

**SUMMARY**

Applicants contend that the claims are in condition for allowance, which action is requested. Applicants do not believe any fees are necessary with the submitting of this response. Should any fees be required, Applicants request that the fees be debited from deposit account number 02-0383.

Respectfully submitted,



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